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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FLORINDO PABLO-BAUTISTA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-70256

Agency No. A97-474-581

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted August 26, 2008^{**}

Before: SCHROEDER, KLEINFELD, and IKUTA, Circuit Judges.

Florindo Pablo-Bautista, a native and citizen of Guatemala, petitions for review of a Board of Immigration Appeals' ("BIA") order dismissing his appeal

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

from an immigration judge's ("IJ") decision denying his application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252.

Where, as here, the BIA adopts and affirms the IJ's decision while adding its own reasons, we review both decisions. *See Nuru v. Gonzales*, 404 F.3d 1207, 1215 (9th Cir. 2005). We review for substantial evidence, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992), and we deny the petition.

The record does not compel the conclusion that Pablo-Bautista has shown extraordinary circumstances to excuse the untimely filing of his asylum application. *See* 8 C.F.R. § 1208.4(a)(5); *see also Ramadan v. Gonzales*, 479 F.3d 646, 657 (9th Cir. 2007) (per curiam). Accordingly, we deny the petition as to Pablo-Bautista's asylum claim.¹

Substantial evidence supports the agency's denial of withholding of removal because Pablo-Bautista failed to establish either past persecution or a clear probability of persecution on account of a protected ground. *See Molina-Estrada v. INS*, 293 F.3d 1089, 1094-95 (9th Cir. 2002). Pablo-Bautista's experiences do not compel the conclusion that he has established a pattern of persecution based on his family membership. *See Arriaga-Barrientos v. INS*, 937 F.2d 411, 414 (9th

¹Because Pablo-Bautista is ineligible for asylum, we do not review his contention that he is entitled to humanitarian asylum.

Cir. 1991). Moreover, Pablo-Bautista failed to establish a nexus to an imputed political opinion, because he did not show his alleged persecutors knew or assumed he held a particular political belief. *See Molina-Estrada*, 293 F.3d at 1094-95; *Cruz-Navarro v. INS*, 232 F.3d 1024, 1030 (9th Cir. 2000).

PETITION FOR REVIEW DENIED.